

HIS HIGHNESS' GOVERNMENT, JAMMU AND KASHMIR.

RULES

OF

BUSINESS & PROCEDURE

IN THE PRAJA SABHA.



SECOND EDITION.

JAMMU:

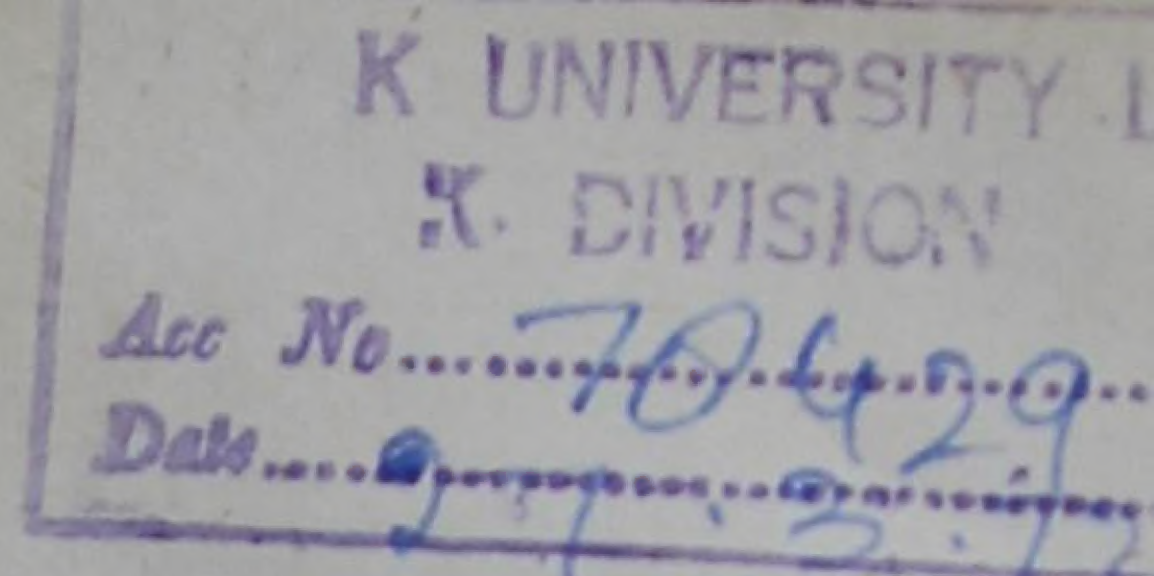
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Jammu and Kashmir Praja Sabha Rules of Business and Procedure.

The following rules of business and procedure for Jammu and Kashmir Praja Sabha have been made by the Council of Ministers of the State under section 16 of Regulation No. 1 of 1991 and may be cancelled, amended, added to or otherwise modified by the same authority :—

Definitions.

- (1) "The Regulation" means Regulation I of 1991.
 - (2) "Budget" means the statement of the estimated annual expenditure and revenue of the State of Jammu and Kashmir.
 - (3) "President" includes a deputy President authorized under section 17 of the Regulation and for the time being presiding over the Praja Sabha.
 - (4) "Resolution" means a motion for the purpose of discussing a matter of general public interest, which may be within the competence of the Council to deal with.
 - (5) "Secretary" means the Secretary of the Praja Sabha and includes any person for the time being performing the duties of Secretary.
 - (6) "Standing orders" mean the standing orders of the Praja Sabha made under section 34 of the Regulation.
1. *Language.*—The business of the Praja Sabha shall be transacted in Urdu; but any member may address the Praja Sabha in English, and the Secretary shall send to every official member, and to any other member who may so request an English translation of every notice and of all business to be transacted by the Praja Sabha.

2. *Notices.*—The Secretary shall make every effort to circulate to each member a copy of every notice or other paper which is by these rules or by the standing orders required to be made available for the use of members.
- * A notice or other paper shall be deemed to have been made available for the use of each member if a copy has (a) been delivered by hand, receipt being acknowledged in the Secretary's delivery book either by the member himself or by some responsible person on his behalf; or (b) been posted to the address registered by him in the Praja Sabha office, and has been delivered to the post not less than five days before the date to which the notice or paper

refers ; or (c) been placed during a session in the seat allotted to him in the Praja Sabha Hall by the President.

Each member shall notify to the Secretary an address in Jammu and Srinagar to which notices shall be posted during the session of the Praja Sabha in Jammu and Srinagar respectively.

3. Every notice required to be given by a member under these rules or the standing orders shall be given in writing, in Urdu in either character, or in English, and addressed to the Secretary, Praja Sabha. A notice shall be delivered at the office of the Secretary. It may be delivered in any manner or at any time. If it is delivered between 11 A. M. and 3 P. M. on a day which is not a public holiday it shall be treated as delivered on that date. If it is delivered at any later time it shall be treated as delivered on the date of the day on which the office is next open.

NOTE.—Where it is provided that so many clear day's notice must be given the matter in question becomes admissible for consideration by the Praja Sabha on the day after so many days following the date of delivery as determined under this rule e g. a 15 days' notice delivered on the 2nd is admissible on the 18th of the month.

4. When His Highness has appointed the time and place for the session of the Praja Sabha the Secretary shall issue a notice to each member of the time and place so appointed not less than seventy clear days before the time so appointed. The Secretary shall make suitable arrangements to give notice to the members for Ladakh and Gilgit.

5. *List of Business.*—The Secretary shall prepare and maintain for the orders of the President a list of non-official business before the Praja Sabha. The following classes of business shall not become admissible until notice thereof has been delivered at the Secretary's office so many clear days before the date first fixed for the commencement of any sessions without regard to any subsequent change of date for such commencement :—

Questions other than Budget questions ... 40 days.

Motion for leave to introduce bills ... 30 days, or if the Prime Minister so directs, a further period not exceeding in all 60 days.

Resolutions other than Budget Resolutions .. 21 days.

No one member shall be entitled to give notice of more than 40 questions.

Provided that, in special circumstances, when questions or resolutions relate to recent occurrences, the President may, on due regard being paid to such circumstances, shorten the period of the notice prescribed above for questions and resolutions.

6. The Prime Minister, after considering the list of non-official business and the state of business of the Praja Sabha shall allot so many days of the session as many in his opinion be possible, compatibly with the public interests, for the business of non-official members of the Praja Sabha, and may allot different days for the disposal of different classes of such business; and on days so allotted for any particular class of business, business of that class shall have precedence. On other days no business other than Government business shall be transacted except with the consent of the Prime Minister, subject always to rule 7.

The Secretary shall at once make available for the use of every member a copy of the Prime Minister's order allotting days for non-official business.

7. The first hour of every day of the session shall be available for the asking and answering of questions; and if the session be a budget session the second hour of each day which has been set apart for the discussion of the budget heads shall be available for the asking and answering of budget questions.

8. At times when Government business has precedence the Secretary shall arrange that business in such order as the Prime Minister may intimate.

9. Subject to any order under rule 6 as to the class of business to be transacted on any particular day, the President shall, in the arrangement of non-official business, give priority, in the following order to Bills which have been advanced beyond the stage of their introduction, namely:—

- (a) Bills which have reached the stage at which the next motion is a motion that the Bill be passed;
- (b) Bills which have reached a stage at which the next motion is a motion that the Bill be taken into consideration;
- (c) Bill in regard to which the next stage is the presentation of the report of the Select Committee.

Provided that such motions shall have priority in each group according to the dates of the introduction of the Bills.

10. *Ballot*.—Where it is provided that in any class or classes of business the order of precedence shall be fixed by ballot, the following shall be the procedure:—

The Secretary shall place in the Praja Sabha office list of each day of the sessions on which the class of business is admissible. The list shall contain a series of numbers and space for writing names opposite the numbers. A separate ballot shall take place for every

day of the session. At the hours when the office is open a ballot shall be held for this purpose not more than 30 clear days before the commencement of any session. The ballot may go on from day to day until the entire work of the whole session is settled.

Any member desiring to attend may do so notwithstanding the fact that the Praja Sabha is not at the time in sessions. All members shall be given due and convenient notice of the date of each and every ballot.

Members in addressing notices of their questions, Resolutions or Bills shall list their questions, Resolutions and Bills in the order in which they desire their priority, commencing with number 1 on the list and so on consecutively. The Secretary shall fix the work balloted for in accordance with this priority.

Papers with numbers corresponding to those against which the names have been entered will be placed in a box. A clerk will take out from the box at hazard one of the papers and the Secretary will write the name corresponding with the number on the paper in the priority list, in accordance with which the member shall have priority for an item of that class of business. The ballot of one particular day shall stop when as many members have been drawn as there are items of that class of business for that particular day which under the rules are permitted to be discussed on a single day.

11. There shall be a ballot for Resolutions and for any motions in regard to non-official Bills prior to those mentioned in rule 9 ; provided that no member may ballot for more than one Resolution or for more than three Bills for the same day of session, and that there shall not be more than ten Resolutions on the same day of session for which members may ballot.

12. The Secretary shall prepare the list of business for the day and shall make a copy thereof available for the use of every member. Save as otherwise provided in the rules and standing orders the business for the day shall be transacted in the order in which it appears in the list of business, and no business not included in the list of business for the day shall be transacted at any meeting without the leave of the President.

13. All business appointed for any day and not disposed of on that day shall stand over until the next day of the session available for business of the class to which it belongs, or until such other day in the session so available as the member-in-charge may desire, but non-official business so standing over shall be taken up after the business which has been fixed for the other day, unless it

has been commenced, in which case it shall have priority only over non-official business fixed for that day.

14. Effect of Prorogation.—When His Highness has prorogued the Praja Sabha the session shall end and all pending notices shall lapse, so that a member will be required to send new notices in regard to business for the next session ; provided that when a question entered in the list of questions for the day has been called and put and the final reply is not ready in time to be given during the session, the question and its reply shall be entered without further notice in the list of questions for the next session ; provided further that any Bill which has been introduced, and any motion for the amendment of the standing orders, which has received the leave of the Praja Sabha, shall be carried over to the pending list of business of the next session. But if the member in charge of a Bill makes no motion in regard to the Bill during the next two sessions, the Bill shall lapse.

15. Effect of Dissolution.—On the dissolution of the Praja Sabha all questions and all Bills other than Government Bills shall lapse excepting as may be provided for by standing orders made in this behalf.

16. Order.—The President shall fix the hours at which the meetings of the Praja Sabha shall ordinarily begin and end.

17. The members shall sit in such seats in the Praja Sabha Chamber as the President may appoint.

18. The President shall regulate the admission of visitors and representatives of the Press to the Praja Sabha Chamber during the meetings of the Praja Sabha, and may require them to leave the Chamber whenever he thinks fit.

19. The presence of at least fifteen members shall be necessary to constitute a meeting of the Praja Sabha for the exercise of its powers. If the President on a count at any time during a meeting ascertains that fifteen members are not present, he shall if the full quorum is not made up within five minutes from the time when his attention was drawn to the want of a quorum, adjourn the Praja Sabha till the next day on which it ordinarily sits ; provided that no demand for a count to ascertain the presence of a quorum shall be made within one hour of a previous count.

20. A member desiring to make any observations on any matter before the Praja Sabha or to raise a point of order shall speak from his place, shall rise when he speaks, and shall address the President. When for the purposes of explanation during discussion or for any other sufficient reason a member has occasion to ask a question of another member on any matter than that under the consideration of the Praja Sabha he shall ask the question through the President and when he rises to ask the question the other member shall resume his seat and shall remain seated until the

question has been asked. At any time if the President rises any member speaking shall resume his seat.

21. (1) The matter of every speech shall be strictly relevant to the matter before the Praja Sabha.

(2) A member while speaking shall not :—

(a) reflect upon His Highness the Maharaja Bahadur.

(b) refer to any matter which is reserved from the consideration of the Praja Sabha by Regulation I of 1991.

(c) reflect upon the conduct of any Court of Justice in the exercise of its judicial functions.

(d) refer to any matter of fact on which a judicial decision is pending.

(e) utter treasonable, seditious or defamatory words.

(f) make use of offensive expressions.

(g) make a personal charge against another member.

(h) use his right of speech for the purpose of wilfully and persistently obstructing the business of the Praja Sabha.

22. Any member may at any time submit a point of order for the decision of the President, but in doing so shall confine himself to stating the point.

No discussion of any point of order shall be allowed except with the consent of the President.

The President shall decide all points of order which may arise, and his decision shall be final.

23. The President after having called the attention of the Praja Sabha to the conduct of a member who persists in irrelevance or in tedious repetition either of his own argument or of the arguments used by other members in debate, may direct him to discontinue his speech.

24. The President shall preserve order and shall have all powers necessary for the purpose of enforcing his decisions on all points of order.

He may direct any member whose conduct is in his opinion grossly disorderly to withdraw immediately from the Praja Sabha, and any member so ordered to withdraw shall do so forthwith and shall absent himself during the remainder of the day's meeting. If any member is ordered to withdraw a second time in the same session, the President may direct the member to absent himself from the meetings of the Praja Sabha for any period not longer than the remainder of the session, and the member so directed shall absent himself accordingly.

The President may in case of grave disorder arising in the Praja Sabha suspend any sitting for a time to be named by him.

25. *Voting.*—A matter requiring the decision of the Praja Sabha shall be brought forward by means of a question put by the President on a motion proposed by a member.

All questions for the decision of the Praja Sabha shall be decided by a vote.

Votes may be taken by voices or by division and shall be taken by division if any member so desires. The President shall determine the method of taking votes by voices or by division.

The result of a vote shall be announced by the President.

The announcement by the President of the result of voting by division shall not be challenged.

26. Motions.—A member who wishes to move a motion (other than a motion for which a period is specially prescribed) shall give, in the case of a substantive motion, at least fifteen clear days' and in the case of an amendment at least two clear days' notice in writing of his intention to the Secretary :

Provided that the President may, in his discretion, allow a motion to be moved at any time at shorter notice or without notice.

27. (1) A motion must not, except with the permission of the President, raise a question substantially identical with one on which the Praja Sabha has given a decision in the same session.

(2) A motion must not anticipate a matter already appointed for consideration by the Praja Sabha, whether it be a Bill or an adjourned debate upon a motion. In determining whether a motion is out of order on the ground of anticipation, the President must have regard to the probability of the matter anticipated being brought before the House within a reasonable time.

(3) A motion once moved shall not be withdrawn without the leave of the Praja Sabha.

(4) No discussion shall be permitted on a request for leave to withdraw a motion, except with the permission of the President.

28. After the member who moves has spoken, other members may speak to the motion in such order as the President may call upon them. If any member who is so called upon does not speak, he shall not be entitled, except by the permission of the President to speak to the motion at any later stage of the debate.

(2) Except in the exercise of a right of reply or as otherwise provided by the rules or the standing orders, no member shall speak more than once to any motion, except with the permission of the President, for the purpose of making a personal explanation but in that case no debatable matter may be brought forward.

(3) A member who has moved a motion may speak again by way of reply, and if the motion is moved by a non-official member, the Minister to whose department the matter relates or an official member nominated by him shall have the right of speaking (whether he has previously spoken in the debate or not) after the mover has replied :

Provided that nothing in this paragraph shall be deemed to give any right of reply on an amendment, except in the case of

amendments proposed to Bills under rule 62.

(4) At the President's discretion the substance of any speech may immediately after its delivery be given in English or Urdu by an official translator, according as the speech has been delivered in Urdu or in English.

(5) The President may in all cases address the Praja Sabha before putting a question to the vote.

29. (1) An amendment must be relevant to, and within the scope of, the motion to which it is proposed.

(2) An amendment may not be moved which has merely the effect of a negative vote.

(3) An amendment on a question must not be inconsistent with a previous decision on the same question given at the same stage of any Bill or any other matter.

(4) The President may refuse to put an amendment which is, in his opinion, frivolous.

30. (1) At any time after a motion has been made any member may move 'That the question be now put', and unless it appears to the President that the motion is an abuse of the rules or standing orders, or an infringement of the right of reasonable debate, the President shall then put the motion 'That the question be now put'.

(2) At any time after a motion has been made in respect of a Bill promoted by a Minister, that Minister may request the President to put the question, and unless it appears to the President that the request is an abuse of the rules or standing orders, or an infringement of the right of reasonable debate, the President shall then put the question.

(3) Where a motion is made under paragraph (1) or a request is made under paragraph (2), the motion, and, if it is carried, the question, or as the case may be, the question, shall be put without amendment or debate :

Provided that the President may allow any member any right of reply which he may have under these rules or under the standing orders.

31. At any time after a motion has been made any member may move 'That that question be not now put', and unless it appears to the President that the motion is an abuse of the rules and standing orders, or an infringement of the right of reasonable debate, he shall put the motion, 'That that question be not now put'.

(2) If the motion is carried, the President shall not put the original question ; but if the motion is negatived he shall put the original question forthwith without any further debate or amendment.

32. At any time after a motion has been made any member may move 'That the debate be now adjourned' ; and unless it

appears to the President that the motion is an abuse of the rules and standing orders, or an infringement of the right of reasonable debate, he shall put the motion 'That the debate be now adjourned'.

33. *Questions.*—A question may be addressed to a Minister for the purpose of obtaining information on a matter of public concern with which the Minister is officially connected or on a matter of administration for which he is responsible.

34. In order that a question may be admissible it must satisfy the following conditions :—

- (1) It shall be definite and expressed in unambiguous language, and shall refer to one incident or set of facts.
- (2) It shall not bring in any name or statement not strictly necessary to make the question intelligible.
- (3) If it contains a statement by the member himself he shall make himself responsible for the accuracy of the statement.
- (4) It shall not contain arguments, inferences, ironical expressions or defamatory statements.
- (5) It shall not ask for an expression of opinion or the solution of a hypothetical proposition.
- (6) It may not be asked as to the character or conduct of any person except in his official or public capacity.
- (7) It shall not be of excessive length.
- (8) It must not amount to a suggestion for any particular action in a matter raised by the member asking the question, but it may ask for a statement of the intentions of the Government in respect of a matter of immediate concern.

Provided always that the President shall decide, if any doubt arises, whether any question is or is not within the scope of this rule and his ruling shall be final.

35. A question, other than a budget question, shall not be admitted on the list of the business for the day unless the member who wishes to ask it has given not less than forty clear days' notice of the question. The member shall write the words of the question or questions in his notice, and shall star with an asterisk any question which he considers it to be a matter of special importance to bring forward. A member shall be permitted to ask only one starred question on each day of meeting, but he may include in the same notice other starred questions to be asked at later days of meeting, and other questions which he wishes to be included in the ballot for unstarred questions.

36. The Secretary shall place the notices before the President in the order in which he has received them, as soon after they are received as may be convenient.

The President shall disallow any question which under

sections 7 and 33 of the Regulation cannot be admitted, and any question which is not in order under rule 21 and shall at any time remove from the list any question which must be excluded under section 29 of the Regulation. He may disallow any question which is otherwise inadmissible under these rules, and any question which in his opinion is an abuse of the right of questioning or calculated to obstruct or prejudicially affect the procedure of the Praja Sabha. He may return a question to a member and propose such change in the form of wording as will make the question admissible.

37. The Secretary shall then place on the list of questions for the day the starred questions which have been admitted by the President, but not more than one starred question for each member. If the number of starred questions is less than 63 the Secretary shall ballot in the manner provided in rule 10 for the entry of the other admissible questions, to such number that the total number of questions admitted shall be 63; provided that not more than three other questions from any one member may be included in the ballot. The Secretary shall forthwith send to the office of the Minister concerned two copies of the questions entered in the list of questions for the day, and shall include the list of questions in the list of the business for the day, a copy of which he shall make available for every member. The Secretary shall carry over for entry in the list of questions for the next succeeding day any admissible starred or unstarred questions of which notice has been received and shall proceed in like manner for their entry in the list for that day.

38. The Minister concerned shall cause the reply to the question to be sent to the Secretary, who shall make a copy thereof available to the member concerned on the day on which the question is answered. If the reply is not ready on the day on which the question is called the Minister shall explain from his place the reason for the delay, and the question shall stand over until the President shall enter it in the list of business. It shall then be asked in addition to the question entered under the procedure in rule 37 and shall have priority over such questions.

39. When a question is reached the President shall read the number on the list, and if the member putting the question, or in his absence another member in his behalf, rises, the Minister to whom the question is addressed will thereupon rise and read the reply.

40. Any member may put a supplementary question for the purpose of elucidating any matter of fact regarding which an answer has been given; provided that the President shall disallow any supplementary question which in his opinion infringes the rules or standing orders. No discussion shall be permitted in respect of any question or of any answer given to a question.

41. At the close of the period set apart for questions the

President may permit any member to address a question to a non-official member in regard to some Bill, Resolution or other matter connected with the business of the Praja Sabha for which that member is responsible.

42. Save in so far as is otherwise provided by these rules, no discussion of a matter of general public interest shall take place otherwise than on a Resolution moved in accordance with these rules, except with the consent of the President and of the Prime Minister.

43. *Motion for Adjournment.*—A motion for an adjournment of the business of the Praja Sabha for the purpose of discussing a definite matter of urgent public importance may be made with the consent of the President.

44. The right to move the adjournment of the Praja Sabha for the purpose of discussing a definite matter of urgent public importance shall be subject to the following restrictions, namely :—

- (i) not more than one such motion shall be made at the same sitting ;
- (ii) not more than one matter can be discussed on the same motion, and the motion must be restricted to a specific matter of recent occurrence ;
- (iii) the motion must not revive discussion on a matter which has been discussed in the same session ;
- (iv) the motion must not anticipate a matter which has been previously appointed for consideration, or with reference to which a notice of motion has been previously given ; and
- (v) the motion must not deal with a matter on which a resolution could not be moved.

45. Leave to make a motion for an adjournment of the business of the Praja Sabha for the purpose of discussing a definite matter of urgent public importance must be asked for after questions and before the list of business for the day is entered upon. The member asking for leave must, not less than half an hour before the commencement of the sitting of the day, hand to the President a written statement of the matter proposed to be discussed.

46. If the President is of opinion that the matter proposed to be discussed is in order, he shall read the statement to the Praja Sabha and ask whether the member has the leave of the Praja Sabha to move the adjournment. If objection is taken the President shall request those members who are in favour of leave being granted to rise in their places and if not less than twenty members rise accordingly, the President shall intimate that leave is granted and that the motion will be taken at the conclusion of the business of the day or at some other hour on the same day, or on the next day on which the Praja Sabha sits, whichever is more

convenient. If less than twenty members rise, the President shall inform the member that he has not the leave of the Praja Sabha.

47. (1) On a motion to adjourn for the purpose of discussing a definite matter of urgent public importance, the only question that may be put shall be "That the Praja Sabha do now adjourn"; provided that if the debate is not concluded within two hours from the time at which it was commenced, it shall automatically terminate and no question shall be put.

(2) No speech during the debate shall exceed fifteen minutes in duration.

48. *Legislation.*—The Council may order the publication of any Bill (together with the Statement of Objects and Reasons accompanying it) in the Gazette although no motion has been made for leave to introduce the Bill. In that case it shall not be necessary to move for leave to introduce the Bill, and, if the Bill is afterwards introduced, it shall not be necessary to publish it again.

49. (1) Any member, other than a Minister desiring to move for leave to introduce a Bill shall give notice of his intention, and shall, together with the notice, submit a copy of the Bill and a full Statement of Objects and Reasons.

(2) If the Bill is a Bill which under section 28 of the Regulation requires sanction, the members who in accordance with section 28 have agreed to the Bill shall affix their consent in writing and the member-in-charge shall annex to the notice a copy of such sanction, and the notice shall not be valid until this requirement is complied with.

(3) The period of notice of a motion for leave to introduce a Bill under this rule shall be 33 days, or if the Prime Minister so directs, a further period not exceeding in all 60 days.

50. If His Highness declares that a Bill or any clause of a Bill or any amendment to a Bill affects the safety or tranquillity of the State or any part of it and directs that no proceedings or no further proceedings shall be taken thereon, all notices of motions in connection with the subject-matter of the certificate shall lapse and if any such motion has not already been set down in the list of business, it shall not be so set down. If any such motion has been set down on the list of business, the President shall, when the motion is reached, inform the Praja Sabha, and the Praja Sabha shall forthwith without debate proceed to the next item of business.

51. If a motion for leave to introduce a Bill is opposed, the President after permitting, if he thinks fit, a brief explanatory statement from the member who moves and from the member who opposes the motion, may put the question without further debate.

52. As soon as may be after a Bill has been introduced the Bill unless it has already been published shall be published in the Gazette.

53. When a Bill is introduced or on some subsequent occasion the member-in-charge may make one of the following motions in regard to his Bill, namely :—

- (a) that it be taken into consideration by the Praja Sabha either at once or at some future day to be then specified ; or
- (b) that it be referred to a Select Committee composed of such members of the Praja Sabha as he may name in his motion ; or
- (c) that it be circulated for the purpose of eliciting opinion thereon ;

Provided that no such motion shall be made until after copies of the Bill have been published in the Gazette or have otherwise been made available for the use of members, and that any member may object to any such motion being made unless copies of the Bill have been so made available for three days before the day on which the motion is made, and such objection shall prevail, unless the President, in the exercise of his power to suspend this article, allows the motion to be made.

54. (1) No motion that a Bill be taken into consideration or be passed shall be made by any member other than the member-in-charge of the Bill, and no motion that a Bill be referred to a Select Committee or be circulated or re-circulated for the purpose of eliciting opinion thereon shall be made by any member other than the member-in-charge except by way of amendment to a motion made by the member-in-charge.

(2) For the purposes of this article 'member-in-charge of the Bill' means, in the case of a Government Bill, any member acting on behalf of the Council and, in any other case, the member who has introduced the Bill.

55. (1) On the day on which any of the motions referred to in rule 53 above is made, or on any subsequent day to which the discussion thereof is postponed, the principle of the Bill and its general provisions may be discussed, but the details of the Bill must not be discussed further than is necessary to explain its principle.

(2) At this stage no amendments to the Bill may be moved, but—

- (a) if the member-in-charge moves that his Bill be taken into consideration, any member may move as an amendment that the Bill be referred to a Select Committee or be circulated for the purpose of eliciting opinion thereon by a date to be specified in the motion ; or
- (b) if the member-in-charge moves that his Bill be referred to a Select Committee, any member may move as

an amendment that the Bill be circulated for the purpose of eliciting opinion thereon by a date to be specified in the motion.

(3) Where a motion that a Bill be circulated for the purpose of eliciting opinion thereon is carried, and the Bill is circulated in accordance with that direction and opinions are received thereon, the member-in-charge, if he wishes to proceed with his Bill thereafter, must move that the Bill be referred to a Select Committee, unless the President, in the exercise of his power to suspend this article, allows a motion to be made that the Bill be taken into consideration.

56. Where a declaration has been made and a Regulation passed under section 31 of the Regulation, any motion made in regard to the Government Bill shall be deemed to have been withdrawn.

57. (1) The Minister to whose department the Bill relates and not more than six other members, including in the case of private bills the member who introduced the Bill, shall be members of every Select Committee.

(2) The members of the committee other than the Minister, and the member-in-charge, if any, shall be elected by the Praja Sabha when the motion that the Bill be referred is made; the election shall be according to the principle of proportionate representation by means of the single transferable vote:

Provided that the Praja Sabha may appoint a member to fill a vacancy at any subsequent meeting:

Provided also, that, if the Praja Sabha is not sitting, and the matter appears to him to be urgent, the President, subject to the approval of the Praja Sabha to be given at its next sitting may appoint any member to fill any vacancy which has occurred on the committee through death, resignation, absence from India, inability to attend to duty or otherwise.

(3) The Minister-in-charge of the department to which the Bill relates shall be chairman of the Select Committee, or, in his absence, any other member of the committee whom he may nominate. In the case of an equality of votes the chairman shall have a second or casting-vote.

(4) The Minister may cause any official to attend the Select Committee, whose assistance he may require, but such official shall not have a vote as a member of the committee.

(5) A Select Committee may hear expert evidence and representatives of special interests affected by the measures before them.

58. (1) After publication in the Gazette of a Bill as required by the rules, the Select Committee to which the Bill has been referred shall make a report thereon.

(2) Such report shall be made not sooner than two months from the date of the first publication of the Bill in the Gazette, unless the Council orders the report to be made sooner.

(3) Reports may be either preliminary or final.

(4) The Select Committee shall in their report state whether or not, in their judgment, the Bill has been so altered as to require republication, whether the publication directed by the rules has taken place, and the date on which the publication has taken place.

(5) If any member of a Select Committee desires to record a minute of dissent, he must hand in his minute within three days of the date on which he signs the report.

59. (1) The report of the Select Committee shall be presented to the Praja Sabha by the member-in-charge of the Bill.

(2) In presenting a report the member-in-charge shall, if he makes any remarks, confine himself to a brief statement of fact, but there shall be no debate at this stage.

60. (1) The report of the Select Committee, together with the minutes of dissent, if any, and the amended Bill, shall be published in the Gazette.

61. (1) After the presentation of the final report of a Select Committee on a Bill, the member-in-charge may move :—

(a) that the Bill as reported by the Select Committee be taken into consideration ; provided that any member of the Praja Sabha may object to its being so taken into consideration, if a copy of the report has not been made available for the use of members for seven days and such objection shall prevail, unless the President, in the exercise of his power to suspend this article allows the report to be taken into consideration ; or

(b) that the Bill as reported by the Select Committee be re-committed to the same Select Committee either :—

(i) with respect to particular clauses or amendments only ; or

(ii) with instructions to the Select Committee to make some particular or additional provision in the Bill ;

(c) that the Bill as reported by the Select Committee be circulated for the purpose of obtaining opinion thereon.

(2) If the member-in-charge moves that the Bill be taken into consideration, any member may move as an amendment that the Bill be re-committed or be circulated for the purpose of obtaining opinion thereon.

62. When a motion that a Bill be taken into consideration has been carried, any member may propose an amendment to the Bill.

(1) If notice of a proposed amendment has not been given two clear days before the day on which the consideration of the

clause to which the amendment is proposed is commenced, any member may object to the moving of the amendment, and such objection shall prevail unless the President, in the exercise of his powers to suspend this article, allows the amendment to be moved.

(2) The Secretary shall, if time permits, cause a copy of every notice of a proposed amendment to be made available for the use of every member.

63. Amendments shall ordinarily be considered in the order of the clauses of the Bill to which they respectively relate; and in respect of any such clause a motion shall be deemed to have been made "that this clause stand part of the Bill".

64. Notwithstanding anything contained in the standing orders, it shall be in the discretion of the President, when a motion that a Bill be taken into consideration has been carried, to submit the Bill, or any part of the Bill, to the Praja Sabha clause by clause. When this procedure is adopted, the President shall call each clause separately, and, when the amendments relating to it have been dealt with, shall put the question: "That this clause (or as the case may be, that this clause as amended) stand part of the Bill".

65. (1) When a motion that a Bill be taken into consideration has been carried and no amendment of the Bill is made, the member-in-charge may at once move that the Bill be passed.

(2) If any amendment of the Bill is made, the President of his own motion may, and on the request of any member shall, direct that the Bill be examined by the Minister to whose department the Bill relates together with the member who introduced the Bill in order to report what amendments of a formal or consequential character should be made in the Bill as a matter of drafting, and such report shall be presented within such period as the Praja Sabha may direct.

(3) When the report has been presented, and the decision of the Praja Sabha on the amendments proposed has been made, the member-in-charge may at once move "that the Bill be passed".

(4) To such a motion no amendment may be moved which is not either formal or consequential upon an amendment made after the Bill was taken into consideration.

66. The member who has introduced a Bill may at any stage of the Bill move for leave to withdraw the Bill; and if such leave is granted, no further motion may be made with reference to the Bill.

67. When a Bill is passed by the Praja Sabha, a copy thereof shall be signed by the President, and submitted to the Prime Minister by the Secretary.

67-A. After the Bill has received the assent of His Highness

the Maharaja Bahadur under section 30 of Regulation No. I of 1991, it shall be printed in the Jammu and Kashmir Government Gazette with a certificate by the Secretary of its having been passed by the Praja Sabha and of its having received the assent of His Highness the Maharaja Bahadur and the Regulation will come into operation on the date of its publication in the Jammu and Kashmir Government Gazette or on any subsequent date notified in the Gazette.

68. When a Bill which has been passed is returned by His Highness for reconsideration by the Praja Sabha the point or points referred for reconsideration shall be put before the Praja Sabha by the President, and shall be discussed and voted upon in the same manner as amendments to a Bill, or in such other way as the President may consider most convenient for their consideration by the Praja Sabha.

69. *Resolutions.*—A member who wishes to move a resolution other than a budget resolution shall give not less than twenty-one clear days' notice of his intention and shall submit together with the notice, a copy of the resolution which he wishes to move :

Provided that the President, with the consent of the Minister to whose department the resolution relates, may allow it to be entered on the list of business with shorter notice than twenty-one days.

70. (1) Every resolution shall be in the form of a specific recommendation addressed to the Government ;

(2) it shall be clearly and precisely expressed, and shall raise substantially one main definite issue ;

(3) it shall not contain arguments, inferences, ironical expressions or defamatory statements, nor shall it refer to the conduct or character of persons except in their official or public capacity ;

(4) it shall not relate to any matter which is under adjudication by a court of law.

71. (1) The President shall decide on the admissibility of a resolution and may disallow any resolution when, in his opinion, it does not comply with these rules. The ruling of the President as to whether any resolution complies with the rules or not shall be final.

(2) The Secretary shall give intimation to the member that the resolution has been admitted or disallowed as the case may be.

72. A member in whose name a resolution stands on the list of business shall, when called on, either—

(a) withdraw the resolution, in which case he shall confine himself to a mere statement to that effect ; or

(b) move the resolution, in which case he shall commence his speech by a formal motion in the terms appearing on the list of business ;

Provided that the member may, with the permission of the President, authorize any other member in whose name the same resolution stands also in the list of business to move it on his behalf, and the member so authorized may move accordingly.

(2) If the member when called on is absent, the resolution standing in his name shall be deemed to have been withdrawn.

73. No speech on a resolution except with the permission of the President, shall exceed fifteen minutes in duration :

Provided that the mover of a resolution, when moving the same, and the Minister to whose department the resolution relates, when speaking for the first time, may speak for thirty minutes, or for such longer time as the President may permit.

74. The discussion of a resolution shall be strictly limited to the subject of the resolution.

75. After a resolution has been moved, any member may, subject to the rules and standing orders relating to resolutions, move an amendment to the resolution.

76. (1) If notice of such amendment has not been given two clear days before the day on which the resolution is moved, any member may object to the moving of the amendment, and such objection shall prevail, unless the President, in the exercise of his power to suspend the article allows the amendment to be moved.

(2) The Secretary shall, if time permits, cause a copy of every amendment to be made available for the use of every member.

77. (1) A member who has moved a resolution or an amendment to a resolution shall not withdraw the same except by leave of the Praja Sabha.

(2) No discussion shall be permitted on a request for leave to withdraw, except with the permission of the President.

78. (1) When an amendment to any resolution is moved, or when two or more such amendments are moved, the President shall, before taking the sense of the Praja Sabha thereon, state or read to the Praja Sabha the terms of the original motion and of the amendment or amendments proposed.

(2) It shall be in the discretion of the President to put first to the vote either the original motion or any amendment which may have been brought forward.

79. When any resolution involving several points has been discussed it shall be in the discretion of the President to divide the resolution, and put each or any point separately to the vote as he may think fit.

80. If a resolution which has been admitted is not discussed during the session, it shall be deemed to have been withdrawn.

81. (1) When a resolution has been moved and has not been withdrawn with the leave of the Praja Sabha no resolution or

amendment raising substantially the same question shall be moved within one year.

(2) When a resolution has been disallowed under the rules or the standing orders, or has been withdrawn with the leave of the Praja Sabha, no resolution raising substantially the same question shall be moved during the same session.

82. The Secretary shall forward a copy of every resolution which has been passed by the Praja Sabha to the Council.

83. *The Budget.*—When the session is one in which the budget is laid on the table of the Praja Sabha the Prime Minister shall appoint two days of meeting, subsequent to the day on which copies of the budget are made available to the members, on which the Praja Sabha shall be at liberty, subject to clause 39 of the Regulation, to discuss the budget as a whole or any question of principle involved therein. The Ministers shall have a general right of reply at the end of the discussion. The President may prescribe a time limit for the speeches.

84. The Prime Minister shall also assign six days for the particular discussion of items of the budget under those heads which are admissible for discussion in the Praja Sabha.

After consultation with the President and with non-official members he shall divide these heads of the budget into three groups and shall arrange the heads in order of priority within the group. Two days shall be allotted to the discussion of each group of budget heads in order.

85. Subject to two clear days' notice a member may (1) ask a question, and (2) move a resolution on any item of the budget contained in the heads allotted for discussion during the two days. The questions shall be arranged in order of receipt by the Secretary and shall be answered during the hour set apart for the asking of budget questions.

The resolutions shall be arranged according to the order given to the budget heads under rule 84, and under each head according to the order in which they have been received by the Secretary.

At the end of each two days all budget questions which have not been put during the two days and all budget resolutions which have not been moved shall lapse.

86. Except as otherwise provided in rule 85 the asking of budget questions and the moving of budget resolutions shall be subject as far as may be, to the general rules 33 to 40 in regard to the asking of questions and rules 69 to 82 in regard to the moving of resolutions.

87. *Tax Regulations.*—When under section 38 of the Regulation a day or days have been allotted for the consideration by the Praja Sabha of any new tax or duty, a member may, subject to two clear days' notice put questions or move resolutions regard-

ing the tax or duty during that day or those days in the manner provided in rule 85 for budget questions or resolutions.

88. Standing Orders.—(1) Unless the President otherwise directs, not less than fifteen clear days' notice of a motion for leave to amend the standing orders shall be given, and the notice shall be accompanied by a draft of any amendment proposed.

(2) The motion shall be set down for such day as the President may direct.

89. When the motion is reached, the President shall read any draft amendment proposed and ask whether the member has the leave of the Praja Sabha. If objection is taken the President shall request those members who are in favour of leave being granted to rise in their places, and if not less than twenty members rise accordingly, the President shall intimate that the member has the leave of the Praja Sabha. If less than twenty members rise, the President shall inform the member that he has not the leave of the Praja Sabha.

90. (1) Where a member has the leave of the Praja Sabha to proceed, he shall move that the draft be referred to a Select Committee.

(2) If that motion is carried, the draft shall be referred to a Select Committee, of which the President shall be the chairman and one Minister a member. The remaining members who shall be six in number, shall be selected by the Praja Sabha, by such method as the President may fix.

91. After a draft has been referred to a Select Committee the procedure in regard to Bills similarly committed shall be followed, as far as may be, with such variations as the President may consider necessary or convenient.

92. Standing Committees.—(1) As soon as may be after the commencement of each financial year, standing committees of members of the Praja Sabha, to the extent shown in Schedule I, shall be constituted for the purpose of advising the departments concerned in such matters as may be referred to them for opinion. The committees shall be known by the names given in column 1 of Schedule I.

(2) The committees shall consist of the members shown in columns 2 to 4 of Schedule I. The Minister-in-charge of the department concerned shall be an *ex-officio* member of the committee concerned. The non-official members shall be selected out of the non-official members of the Praja Sabha by the President in consultation with the Prime Minister and leaders of the different groups in the Praja Sabha. This list will be put up on the notice-board of the Praja Sabha within one week of the commencement of the Budget Session. Within two days of the list being put up any non-official member may move a resolution for the removal

of any name appearing on the list and the substitution of any other name of a non-official member not appearing on the list.

(3) The Minister-in-charge of the department concerned shall be the chairman of the committee concerned, and, in the case of an equality of votes on any matter shall have a second or casting-vote.

93. The proceedings of the standing committees shall not be disclosed by any member without the leave of the chairman, and no reference to the proceedings shall be made in the Praja Sabha except in so far as they have been disclosed with the leave or under the orders of the chairman.

94. The President shall nominate members to fill vacancies as they occur amongst the non-official members of the standing committees. In making his selection the President shall endeavour to give representation to the group previously represented by the member whose place has to be filled.

95. *Proceedings.*—The Secretary shall cause to be prepared a full report of the proceedings of the Praja Sabha at each of its meetings, and shall, as soon as practicable, publish it in such form and manner as the Council may, from time to time, direct.

SCHEDULE I.

(SEE RULE 92)

Name of Standing Committee.	<i>Constitution of Standing Committee</i>		
	Minister-in-charge of department concerned.	Non-official Members.	Total.
1. Finance ...	1	7	8
2. Industries ...	1	5	6
3. Public Health ...	1	5	6
4. Agriculture, Forests and Co-operation ...	2	5	7
5. Education ...	1	5	6





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